

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA**

IN RE: ) 1:09-CV-00411-MR  
 )  
THE HAMMOCKS, LLC d/b/a ) APPELLEE DESIGNATION  
Richmond Hill Inn, ) OF ITEMS TO BE INCLUDED  
 ) IN THE RECORD ON APPEAL  
Debtor. )

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The appellee, The Hammocks, LLC, indicates the following items to be included in the record on appeal:

- 1. Disclosure Statement filed October 21, 2009  
(U. S. Bkcy. Ct. Docket Item 75)**
- 2. Chapter 11 Plan filed October 21, 2009  
(U. S. Bkcy. Ct. Docket Item 76)**
- 3. Adversary Proceeding – Complaint – filed December 2, 2009  
(U. S. Bkcy. Ct. Docket No. 116)**
- 4. The appellee believes that the designation of Nos. 6, 7, 8, 9, 10, 11, 12, 13 and 15 are immaterial to this appeal and involved a state court matter that has no relevance to the matters between appellant and appellee.**

This 7<sup>th</sup> day of December, 2009.

*/s/ David G. Gray*

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**David G. Gray, Attorney for Debtor/Appellee  
N. C. State Bar No. 1733**

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\* \* \* \* \*

The undersigned certifies that copy of the foregoing has this day been served as electronically filed on the following:

**David L. Brown**  
**Brady A. Yntema**  
**Michael R. Nelson**  
**Douglas Y. Christian**

**Attorneys for Harleysville Mutual Insurance Company**

This the 7<sup>th</sup> day of December, 2009.

*/s/ David G. Gray*

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**David G. Gray, Attorney**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA**

**IN RE:** ) **1:09-CV-00411-MR**  
 )  
**THE HAMMOCKS, LLC d/b/a** ) **ORDER EXTENDING TIME TO RESPOND**  
**Richmond Hill Inn,** )  
 )  
**Debtor.** )

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**THIS MATTER COMING ON FOR CONSIDERATION** before the Court on motion of attorney for the appellee, The Hammocks, LLC, for an extension of time in which to respond to the appellant's designation of items to be included in the record on appeal and statement of issues to be presented, the Court makes the following findings and enters this order:

- 1. On October 28, 2009, the United States Bankruptcy Court, Asheville Division, entered an order denying relief from stay in the Chapter 11 proceeding of The Hammocks, LLC involving the party-in-interest, Harleysville Mutual Insurance Company.**
- 2. On November 6, 2009, Harleysville Mutual Insurance Company appealed the order of the United States Bankruptcy Court to the United States District Court.**
- 3. On November 13, 2009, Harleysville Mutual Insurance Company filed its designation of items to be included in the record on appeal and statement of issues to be presented.**
- 4. The Federal Rules of Bankruptcy Procedure provide for a ten (10) day time period for appellee to respond to the designation and issues.**
- 5. The attorney for The Hammocks, LLC has had a medical issue, beginning November 10, 2009, which has prevented him from participating in the practice of law and will continue to affect his practice of law until December 1, 2009.**

**6. Because of the medical condition of attorney for The Hammocks, LLC, the appellee needs additional time to file responses under F.R.B.P., Rule 8006, and other matters that might be required for this appeal and it is appropriate to provide an extension of time.**

**THEREFORE**, based on the foregoing findings, the Court enters the following order:

**IT IS ORDERED** that the appellee, The Hammocks, LLC, is allowed an extension of time through December 7, 2009 to respond to the appellant's designation of items to be included in the record on appeal and statement of issues to be presented.

This Order has been signed electronically.  
The judge's signature and court's seal  
appear at the top of the Order.

United States District Court